



03/04/02

Section 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Nolen

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Group Art Unit: N.A.

Serial No.: 10/001,896

Examiner: N.A.

Filed: November 19, 2001

For: Spray Application System

Assistant Commissioner for Patents

Washington, DC 20231

TRANSMITTAL

Sir:

Enclosed for filing in the above-identified application are the following:

- 1) Copy of Notice to File Missing Parts of Nonprovisional Application;
- 2) Inventor Declaration; and
- 3) self-addressed, stamped postcard.

A request to approve drawings changes was also filed January 29, 2002.

It is respectfully requested that the \$370 filing fee initially applied to application serial number 10/007,589 instead be applied to application serial number 10/001,896 or that the \$370 filing fee paid by mistake in the duplicate application be refunded under 37 C.F.R. § 1.26. It is also requested that the duplicate application serial number 10/007,589 be withdrawn or that the duplicate application serial number 10/007,589 be abandoned, so long as such abandonment does not affect application serial number 10/001,896. The duplicate filing arose as a result of the suspension of Express Mail Postal service to the Patent Office, when the U.S. Postal Service refused to accept the Express Mail packet containing the application on November 19, 2001. The application was first submitted by Priority Mail on November 19, 2001 after the Postal Service employee refused to accept the application as Express Mail. A copy of the application, along with a request for the November 19, 2001 filing date was then filed on November 20, 2001. As a result of the November 20, 2001 request, a filing receipt was issued granting the November 19, 2001 filing date. Thereafter, a second serial number and second filing date was accorded to the first copy of the application submitted by Priority Mail on November 19, 2001 after the Postal Service employee refused to accept the application as Express Mail. That packet included a \$370 filing fee and was intended for the application that was entitled to the November 19, 2001 filing date.

It is respectfully submitted that the previously paid \$370 filing fee should be applied to this application and that the balance due should therefore be \$65. Please charge any and all fees due to Deposit Account No. 50-0395. The Commissioner is hereby authorized to credit any refund or overpayment or to charge any fees associated with this application or

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filing, including but not limited to any fees under 37 C.F.R. §§ 1.16 and 1.17, to Deposit Account No. 50-0395. This authorization includes, but is not limited to, the following fees:

- (1) Any additional filing fees under 37 C.F.R. § 1.16, including but not limited to additional filing fees or surcharges; and
- (2) Any patent application processing fees under 37 C.F.R. § 1.17, including but not limited to, petition fees under 37 C.F.R. § 1.17(l) and 1.17(m).

This transmittal sheet is being submitted in duplicate. If you have any questions or comments, please contact me.

Respectfully submitted,



Mark Rogers

Registration No. 34,238

Date: 2-28-02

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" Mailing Label Number EE652370626114. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on 2-28-02.



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